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S E C R E T SECTION 01 OF 02 KUWAIT 002050

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STATE FOR DEPUTY SECRETARY ARMITAGE
STATE ALSO FOR NEA/FO, NEA/I, NEA/ARP, T, PM, S/CT, S/WCI
TEL AVIV FOR DCM LEBARON

E.O. 12958: DECL: 1.6X1 AND X4

TAGS: [PREL](#) [MARR](#) [PTER](#) [PGOV](#) [KJUS](#) [KISL](#) [IZ](#) [KU](#)

SUBJECT: (C) SCENESETTER FOR DEPUTY SECRETARY ARMITAGE'S
VISIT

REF: A. KUWAIT 1227 (NOTAL)
[B](#). KUWAIT 1380 (NOTAL)
[C](#). KUWAIT 1500 (NOTAL)
[D](#). KUWAIT 1731 (NOTAL)
[E](#). KUWAIT 2018 (NOTAL)

Classified By: AMBASSADOR RICHARD H. JONES; REASONS 1.6X1 and X4, 1.4 (A, B, D).

[1](#)1. (S/NF) Mr. Secretary, Welcome back to Kuwait. MFA is working to arrange a meeting with Information Minister Mohammed Abulhassan, who is expected to be the Acting Foreign Minister at the time of your visit (both the Prime Minister and Foreign Minister are expected to be out of the country). Abulhassan is a liberal and the only Shiite in the Cabinet; as longtime PermRep in New York, he worked closely with Prime Minister Shaykh Sabah, who was Foreign Minister for nearly forty years until a year ago. Since your last visit April 19(refs A, B), there has been movement on several issues pertinent to the bilateral relationship: DNSA Fran Townsend delivered a strong message May 4 on the need for more aggressive action against extremists; the GOK informed us June 30 that from now on it will charge us for fuel supplied to our forces for Iraq operations; the GOK submitted the Article 98 agreement to the National Assembly for ratification but promised to ratify it by Amiri decree when the parliament recessed for the summer; the GOK welcomed a US offer to transfer one Kuwaiti detainee from Guantanamo, but wants all twelve back; Kuwait welcomed our transfer of sovereignty to the interim Iraqi government; and Kuwaitis were reminded again of the benefits of our strong bilateral cooperation when Saddam Hussein and top figures from his regime appeared in an Iraqi court.

[1](#)2. (S/NF) COUNTER-TERRORISM: the GOK has been slow to grasp the extent of the threat from Kuwaiti Sunni extremists, some of whom are reportedly funding insurgents in Iraq and even recruiting young Kuwaitis to go fight. Kuwait State Security (KSS) currently suffers from weak leadership and remains constrained by legal restrictions (although the GOK has been fully cooperative with US and UN requests to freeze bank accounts suspected of involvement in terrorist finance, funding insurgents abroad is not yet seen as being a crime in Kuwait). The Prime Minister was not happy to receive Ms. Townsend's message; he insisted that the GOK is following the right approach by monitoring extremists and trying to persuade them to eschew violence. The GOK even arranged a face-to-face meeting between an Embassy officer and a prominent extremist whom Ms. Townsend had mentioned by name; the extremist claimed to oppose violence in Kuwait but made it clear that he would be prepared to harm Americans under certain circumstances (ref D).

[1](#)3. (S/NF) FUEL FOR OIF: In addition to providing the indispensable platform for Operation Iraqi Freedom (OIF), Kuwait has supplied free-of-charge unlimited fuel for OIF forces: over \$450 million worth in 2003 (compared to \$8 million in 2002), and continuing at the rate of approximately 1.2 million gallons/day. Following the transfer of sovereign authority to the Iraqi Interim Government, the GOK informed us that it would keep supplying fuel for OIF but would charge us for it starting June 29, 2004 (ref E). Assistant Secretary of Defense Rodman has recommended to SecDef that

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the Iraqi Interim Government be requested to ask the GOK to continue providing the fuel free-of-charge on its behalf. We strongly doubt the GOK would respond positively to such a request. Kuwaitis still remember all too well what happened the last time they acceded to an Iraqi request to provide oil on its behalf.

[1](#)4. (C) ARTICLE 98: the Prime Minister told you April 19 that the Article 98 agreement signed on June 18, 2003 could be brought into force without parliamentary ratification (ref B). However, since then, the Cabinet Legal Committee has concluded that parliamentary ratification is required, and the agreement has been submitted to the National Assembly. Parliament adjourned without acting on the matter.

Nonetheless, the Foreign Minister had promised us that the GOK would bring the agreement into force by means of an Amiri decree during the parliamentary summer recess, which began on June 30. We are awaiting that decree. (NOTES: (a) any such decree will need to be submitted to the National Assembly for approval once it reconvenes in October; there is no deadline for the Assembly to act on it; (b) we treat the existence of the agreement as Confidential, because it has never been publicly confirmed by the GOK. END NOTES.)

15. (C) GUANTANAMO: Twelve Kuwaitis are among the detainees at Guantanamo, and one of them is a party in a case that made it to the US Supreme Court, which ruled that detainees have the right to challenge their detention in the US courts. Washington recently informed the GOK that it was prepared to transfer one of the Kuwaitis to GOK custody; the GOK wants them all back, and says it would be prepared to prosecute them.

16. (C) IRAQ: the GOK continues to be a strong supporter of the Iraqi political transition process. Despite being irked that Prime Minister Allawi omitted Kuwait from the list of countries he thanked for their support, Prime Minister Shaykh Sabah made clear that would not be allowed to mar relations. The appearance in an Iraqi court of Saddam Hussein and several other top officials of the former regime, including "Chemical Ali," reminded Kuwaitis of the threat that regime had posed and the service we have done to their country and the region by eliminating it. A Kuwaiti lawyer appointed by the GOK is assisting the Iraqi Special Tribunal process.

17. (SBU) IPR: In his capacity as Information Minister, Abulhassan shares responsibility for IPR protection. Kuwait has one of the worst IPR records in the Gulf, according to industry sources and USTR. At the Embassy's recommendation, Kuwait was placed on the Special 301 Priority Watch List this year. It would be helpful if you stressed that effective protection of IPR is central to the success of the Trade and Investment Framework Agreement (TIFA) signed in March, which both sides see as the first step towards a Free Trade Agreement. Minister Abulhassan told the Ambassador July 5 that the GOK is committed to getting off the Priority Watch List this year.

JONES